



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	20
VAC Chapter Number:	120
Regulation Title:	Vocational Education
Action Title:	Final Review and Approval
Date:	11/27/01

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package .

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The Board of Education proposes to amend its regulations entitled Vocational Education Regulations (8 VAC 20-120). The regulations are divided into three specific categories:

1. General Provisions;
2. Administration; and
3. Operation of Programs.

Specific sections of the regulations are mandated by federal law and other sections are mandated by state law. Changes in both federal and state laws pertaining to vocational education have made it necessary to revise the regulations.

Proposed changes to the regulation include:

1. Changing the name of the regulations to Career and Technical Education Regulations;
2. Deleting those regulations not deemed essential;
3. Revising the regulations to reflect changes in federal and state laws; and
4. Deleting those current provisions that exceed state and federal law.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On November 27, 2001, the Board of Education met and approved the adoption of the Regulations Governing Career and Technical Education, 8 VAC 20-120, as amended.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

The following is a list of state and federal regulations that, in whole or in part, mandate regulations for Vocational Education:

Federal: Part B, Section 121 of The Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et.seq.) specifies and details the responsibilities of the eligible state agencies. These responsibilities include the requirement that the participating agency coordinate the development, submission, and implementation of the State Plan, and evaluate the program, services, and activities assisted under this title.

State: Section 22.1-16 of the Code of Virginia: The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>

Section 22.1-227 of the Code: The Board of Education is designated as the State Board of Vocational Education to carry out the provisions of the federal Vocational Education Act of

1963, as amended, and as such shall promote and administer the provision of agriculture, business, marketing, home economics, health, technology education, and trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26, postsecondary institutions, and other eligible institutions for youth and adults. For the purposes of this section, "promote" shall not be construed to mandate the implementation of any additional vocational educational programs that are not currently offered.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-227>

Section 22.1-228 of the Code: Definitions: As used in this article: 1. "Vocational education project" or "project" means a project which supplements the regular vocational education program in a school division, which is designed to provide effective practical training to students in the secondary schools of the school division and in which participation is optional and voluntary. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-228>

Section 22.1-253.13.1, subsection D, paragraphs 3 through 6 states the following:

3. Career education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based vocational education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subsection.

5. Academic and vocational preparation for students who plan to continue their education beyond secondary school or who plan to enter employment.

6. Early identification of handicapped students and enrollment of such students in appropriate instructional programs consistent with state and federal law. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-253.13C1>

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The Board of Education proposes to amend its regulations entitled Vocational Education Regulations (8 VAC 20-120). The regulations are divided into three specific categories:

4. General Provisions;
5. Administration; and
6. Operation of Programs.

Specific sections of the regulations are mandated by federal law and other sections are mandated by state law. Changes in both federal and state laws pertaining to vocational education have made it necessary to revise the regulations.

Proposed changes to the regulation include:

5. Changing the name of the regulations to Career and Technical Education Regulations;
6. Deleting those regulations not deemed essential;
7. Revising the regulations to reflect changes in federal and state laws; and
8. Deleting those current provisions that exceed state and federal law.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The major issues to be addressed in the proposed revised regulations will be the changes in the regulations necessitated by new federal and state laws.

8VAC 20-120-10 Compliance with state and federal regulations. (Statement not applicable to this regulation)

8VAC 20-120-20 Definitions. (Statement not applicable to this regulation)

8VAC 20-120-30 State/federal financial assistance. The current regulation exceeds the minimum requirements of state law by requiring the local education agency to use financial assistance provided through categorical entitlements for the following:

- Travel
- Apprenticeship related instruction
- Excess cost associated with supplemental services

The revisions to this regulation would delete the three items as uses for categorical entitlements. The revisions would further clarify the use of entitlements.

8VAC 20-120-40 Local vocational plan and application. The current regulation exceeds the minimum requirements of the federal law by requiring local educational agencies to submit an application annually coincides with the state application. The proposed revision would state that the plan be submitted as specified in federal legislation, The Carl D. Perkins Vocational and Technical Education Act of 1998, Section 134, which is typically less than annually.

8VAC 20-120-50 Vocational Advisory Council. The current regulation does not exceed the minimum requirements of federal law. The proposed revisions are for the purpose of changing the language to correspond to the present federal law as it relates to membership and reporting procedures. Students, teachers, and parents would be added as members to the council (The Perkins Act of 1998, Section 134.(b) (4).

The requirement of the council to provide a report annually to the Department of Education would be deleted as this is not required by The Perkins Act of 1998.

8VAC 20-120-60 Program evaluation. Proposed revision would eliminate this regulation and include it in the “reporting” regulation.

8VAC 20-120-70 Reporting requirements. The current regulation does not exceed the minimum requirements of the federal law.

8VAC 20-120-80 Management of equipment inventory. The current regulation exceeds the minimum requirements. The proposed revisions will specify the exact procedures local education agencies must follow regarding equipment purchased with state and federal funds as described in The Perkins Act of 1998 and the Education Department General Administrative Regulations (EDGAR).

8VAC 20-120-90 Construction of facilities. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revision would delete the reference to financial assistance for construction as this assistance is no longer applicable.

8VAC 20-120-100 Access to vocational programs. The current regulation does not exceed the minimum requirements.

8VAC 20-120-110 New vocational education programs. The current regulation does not exceed the minimum requirements.

8VAC 20-120-120 Program requirements. The current regulation exceeds minimum requirements as federal regulations do not specifically establish the criterion of requiring a full sequence of courses for each program offered. The proposed revisions would delete the full sequence requirement. The revisions would add that competencies be industry validated and include all aspects of the industry (The Perkins Act of 1998, Section 3).

8VAC 20-120-130 Special populations. The current regulation exceeds the minimum requirements of state and federal laws by requiring the local education agency to provide certain services to handicapped and disadvantaged students enrolled in vocational education courses. The proposed revision defines special populations and compliance by requiring the IEP and/or Section 504 Plan to be developed cooperatively by career and technical education and special education representatives. Students' learning and career preparation opportunities are maximized when both career and technical education and special education representatives are involved in the process.

8VAC 20-120-140 Cooperative education. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revisions define cooperative education and limit the number of students in a class and coordinated by the teacher.

8VAC 20-120-150 Maximum class size. The current regulation exceeds the minimum requirements of state and federal law by limiting the enrollment to 20 students. The proposed revision to this regulation would delete the reference to 20 students and state that the enrollment shall not exceed the number of work stations.

8VAC 20-120-160 Vocational student organizations. The current regulation exceeds minimum requirements of state and federal laws by requiring vocational student organizations to be an integral part of each vocational program offered. The proposed revision would change the requirement to meet the definition of a vocational student organization as defined in The Perkins Act of 1998. The Act states that students engage in activities that are an integral part of the instructional program.

8VAC 20-120-170 Student safety. This is proposed as a new regulation. The regulation would meet the minimum requirements of state and federal laws. The Perkins Act of 1998 requires that vocational programs include all aspects of the industry with safety as one aspect. The State Standards for Accrediting Public Schools in Virginia requires that safe laboratories be provided by the local education agency. The proposed regulation would address safety as an integral part of the instructional program, limit enrollment where equipment that could result in harm is used, and require each program to comply with health and safety laws.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantages to the localities of the proposed revisions would be:

1. The regulations would be in accordance with new state and federal laws. Localities would know what they must do to be in compliance with the state and federal laws pertaining to career and technical education.
2. The regulations would reduce the requirements that localities would need to be in compliance.

The proposed revisions would not present any disadvantages to the Commonwealth.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

8 VAC 20-120-20 Definitions

Data – Student performance was added as an item to include in data.

Equipment – Item 5 – Excludes supplies and materials as defined by the Virginia Department of Education Planning and Budget’s Expenditure Structure – was added to the criteria list.

8 VAC 20-120-80 Management of equipment inventory

Item 2 was changed from: Include a local match equal to 50% of the purchase price of the equipment to: Include a local match equal to the amount of state funding.

8 VAC 20-120-140 Cooperative education

Item 1 a. was changed to allow for a maximum of 24 students in a class. The class average remains at 20 students per instructor.

8 VAC 20-120-160 Career and technical education student organizations

The lead in statement and Item 1 were switched. The lead in now states: All career and technical education students shall be provided opportunities to participate in instructional activities of the local organization.

Item 1 now states: A career and technical education student organization shall be an integral and active part of each secondary career and technical program (grades 9, 10, 100, 12) offered.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

<u>Regulation</u>	<u>Public Comment</u>	<u>Recommended Action</u>
Part I 8 VAC 20-120-20 Definitions “Disadvantaged”	Change vocational to Career and Technical Education	The change has been made as a technical revision.
“Work Station”	Include a definition of work station New definition should provide more clarity than current definition.	A new definition of work station providing more clarity will be included with the regulations. Clarifying examples will be added in the current list of Recommended Equipment Approved for Career and Technical Education Programs.
Part II 8 VAC 20-120-30 State/federal financial assistance	Allow use of state/federal funds local travel	No change. Regulation is being revised to align with appropriation language that has been in place for more than ten years.

Part II

8 VAC 20-120-70

Management of Equipment Inventory

Maintain the \$300 minimum for items required to be on inventory

Require a 50% local/state match of funds for equipment.

Federal funds cannot be used for local travel.

No change.
The regulation meets the federal requirements.
The appropriation language has always required a 100% match of local to state funds.

Part III

8 VAC 20-120-130

Individualized programs for students with disabilities

Maintain the requirement that that IEP be developed cooperatively by representatives from special education and vocational education

Support the ability to modify the list of student competencies as a part of the IEP process.

No change.
The proposed regulation meets the requirements of the federal IDEA, and the State Regulations Governing Special Education Programs.

8 VAC 20-120-140

Cooperative education Item I.a

Average of 20 students may allow for some classes with extremely large enrollment. Place a maximum on the number of students in one class and clarify language.

The regulation will be changed to:
a. Be limited to an average of 20 students per instruction per class period with no class being more than 24 where the cooperative education method of instruction is required.

8 VAC 20-120-150

Maximum Class Size

Maximum enrollment of special needs students in a regular Career and Technical Education course should be limited.

The local IEP committee determines placement of students in an inclusion class.

<p>8 VAC 20-120-160 Career and technical education student organizations</p>	<p>The lead-in statement should be listed as criteria #1 and criteria #1 should become the lead-in statement.</p>	<p>The regulation will be changed as suggested.</p>
<p>8 VAC 20-120-170 Student Safety Item #2</p>	<p>Localities need guidance as to what programs use equipment that could cause bodily injury. (This issue was also raised by DPB and recommended language similar to the Board’s response.)</p>	<p>The regulation will be changed to read: Career and technical education classes which use equipment that has been identified by the U.S. Department of Labor for hazardous occupations shall be limited to a maximum of 20 students per laboratory. The DOE will provide a list of specific courses to which this will apply. The regulation will be changed to 20 students per laboratory.</p>
<p>Other Issues</p>	<p>Change from 20 students per instructor to 20 students per laboratory.</p>	<p>These issues are addressed in the Standards of Accreditation</p>
<p>Regulations should address: Increased graduation requirement Industry certifications Diploma Seals</p>		

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

8VAC 20-120-10

New language details the state and federal laws that provide the authority to promulgate the regulations.

8VAC 20-120-20

New language adds definitions, deletes definitions and changes some definitions in accordance with state and federal laws. In general vocational education has been changed to career and technical education.

8VAC 20-120-30

Three items as uses for categorical entitlements are deleted. The items are:

Travel

Apprenticeship related instruction

Excess cost associated with supplemented services

8VAC 20-120-40

New language requires that the Local Plan would be submitted as specified in the federal legislation.

8VAC 20-120-50

Students, teachers, and parents would be added as members of the local advisory council. The requirement of an annual local advisory report to the Department of Education would be eliminated.

8VAC 20-120-60

This regulation would be eliminated.

8VAC 20-120-80

The exact procedures local education agencies must follow regarding equipment purchases are specified.

8VAC 20-120-90

New language would delete the reference to financial assistance for construction.

8VAC 20-120-120

New language would delete the full sequence of courses requirement. The revision would require that competencies be industry validated.

8VAC 20-120-130

The proposed revision defines special populations and compliance by requiring the IEP and/or Section 504 Plan to be developed cooperatively by career and technical education and special education representatives.

8VAC 20-120-140

The number of students in a class coordinated by a teacher would be limited to “20”.

8VAC 20-120-150

New language would delete the reference to a maximum enrollment of 20 students and state that the enrollment shall not exceed the number of work stations.

8VAC 20-120-160

The proposed revision would change the requirement to meet the definition of a career and technical education student organization.

8VAC 20-120-170

The proposed is a new regulation. The regulation has been added to meet the requirements of state and federal laws. Career and technical education programs must include safety as one aspect of the industry.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed revisions will not have any measurable impact on the above.